

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD EARL WILSON, JR.,
Petitioner

v.

WARDEN THOMAS,
Respondent

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: CIVIL NO. 1:12-CV-1693
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:
:

O R D E R

The background of this order is as follows:

On August 24, 2012, Magistrate Judge Carlson filed a Report and Recommendation in this habeas corpus proceeding. Judge Carlson has recommended a transfer of this case to the sentencing court, the U.S. District Court for the Eastern District of Virginia. The petitioner is attacking the validity of his conviction and sentence, both of which occurred in 1995.

No objections to the Report were filed, but on September 7, 2012, the petitioner inappropriately filed a motion to alter or amend, which we will treat as an objection to the Report and Recommendation.

Judge Carlson recognized that this court has jurisdiction to entertain the petition, but pointed out that we also have the discretion to transfer the case to any other district where it might have been brought. 28 U.S.C. § 1404(a). We think it obvious, as did Judge Carlson, that for the convenience of parties and witnesses, and for other reasons, this petition should be referred to the court where the conviction and sentencing occurred. The U.S. District Court for the Eastern District of Virginia, as

noted, has jurisdiction to litigate this matter, and we will adopt Judge Carlson's recommendation and overrule the petitioner's objection.

ACCORDINGLY, this 27th day of September, 2012, it is ORDERED that the Clerk of Court shall transfer this case to the U.S. District Court for the Eastern District of Virginia.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge